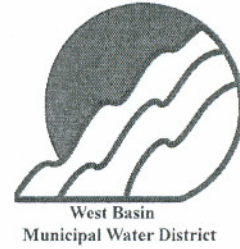


**Public Comment to the California Ocean Protection Council**  
**General Comments: April 6 – June 2, 2006**

<b>Date</b>	<b>Name</b>	<b>Affiliation</b>	<b>Subject of Communication</b>
04-06-2006	Kevin Wattier et al	Long Beach Water District San Diego Water Authority Municipal Water District, Orange Co. West Basin Municipal Water District	Once-Through-Cooling (OTC)
04-17-2006	Jerry Jordan	California Municipal Utilities Association	OTC
04-17-2006	Pam Slater-Price	San Diego County Board of Supervisors	OTC
04-24-2006	Jim Moriarty	Surfrider Foundation	OTC
04-28-2006	Gabriel Solmer	San Diego CoastKeeper	OTC
04-28-2006	Paul Thayer	California State Lands Commission	OTC
04-28-2006	Heather Hoecherl Sarah Abramson	Heal the Bay	OTC
04-28-2006	Paul Thayer	California State Lands Commission	Impact of Copper-based Hull Paints
05-03-2006	Tracy Egoscue et al.	Santa Monica BayKeeper	OTC
05-05-2006	Carol Gable	Homeowner	BHP Billiton Cabrillo Port Project
06-02-2006	Robert W. Lucas	California Council for Environmental and Economic Balance	Agenda Item 11C- OTC engineering study
06-08-2006	Ann Maurice	Ad Hoc Committee	Difficulty in reaching the OPC staff

**Public Comment to the California Ocean Protection Council**  
**General Comments: April 6 – June 2, 2006**

06-08-2006	Ann Maurice	Ad Hoc Committee	Agenda Item 11D- PEIR for coastal aquaculture
06-08-2006	Dean Estep		Agenda Item 11D- PEIR for coastal aquaculture



April 6, 2006

Paul Thayer, Executive Officer  
California State Lands Commission  
100 Howe Avenue, Suite 100 South  
Sacramento, CA 95823

*Rec'd By  
Office of the Secretary*

**MAY 03 2006**

*Resources Agency of California*

Dear Mr. Thayer:

**Subject: Proposed Resolution On Once-Through-Cooling In  
California Power Plants**

The undersigned water agencies appreciate the opportunity to comment on the proposed resolution regarding once-through-cooling in California power plants. Several southern California water agencies have included seawater desalination projects as part of their long-term, sustainable future water supply portfolio. One of the effective methods of seawater desalination is to co-locate desalination facilities at coastal power plants. The benefits include the possible use of onsite energy, the utilization of existing intake and outfall structures, the compatibility with industrial land use zoning, and compliance with established policy of the State of California, California Water Code 13550 and State Water Resources control Board Resolution 75-58.

Seawater desalination is an integral, critical component of southern California's long-term resources development plan for the future water supplies of the next generation of Californians. It adds a superior water quality to our water system. It is a constant supply of drought proof water. It will offset future water shortages from imported supplies, and it enhances the opportunity for more reclamation because of its blending ability with the high salinity of local and imported sources.

We support the comment letter by the State Water Resources Control Board (SWRCB) which recommends the continuation of developing a statewide policy on once-through-cooling water. This process will incorporate the applicable requirements of the California Water Code Section 13142.5 and the recently promulgated federal regulations related to Section 316 (b) of the Clean Water Act. We concur with the SWRCB that the Commission should evaluate and compare the impacts of developing alternatives prior to adoption of the resolution on once-through-cooling.

Mr. Paul Thayer  
Page 2  
April 6, 2006

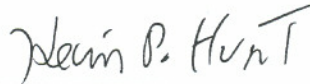
Again, thank you for the opportunity to comment on the proposed resolution.

Sincerely,



---

Kevin L. Wattier  
General Manager  
City of Long Beach  
Long Beach Water Department



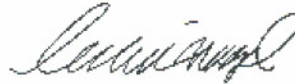
---

Kevin Hunt  
General Manager  
Municipal Water District of  
Orange County



---

Maureen A. Stapleton  
General Manager  
San Diego County Water Authority



---

Richard Nagel  
Co-General Manager  
West Basin Municipal Water District

cc:    ✓ Tam M. Doduc, Chair, Gerald Secundy, Vice Chair, SWRCB  
      ✓ Mike Chrisman, Secretary for Resources, Council Chair, Brian Baird, Deputy,  
          California Ocean Protection Council  
      Jerry Jordan, Executive Director, California Municipal Utilities Association





# CALIFORNIA MUNICIPAL UTILITIES ASSOCIATION

*ne/Baird*

915 L STREET, SUITE 1460 • SACRAMENTO, CALIFORNIA 95814  
(916) 326-5800 • FAX (916) 326-5810 • [www.cmua.org](http://www.cmua.org)

JERRY JORDAN, Executive Director

April 17, 2006

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Secretary Mike Chrisman  
Secretary for Resources  
California Resource Agency  
1416 Ninth Street, Suite 1311  
Sacramento, CA 95814

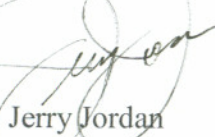
## Re: Once Through Cooling – Ocean Protection Council

Dear Secretary Chrisman:

The California Municipal Utilities Association (CMUA) understands The Ocean Protection Council will soon discuss the issue of Once Through Cooling (OTC). CMUA strongly believes the existing regulatory process by the State Water Resources Control Board in assessing environmental factors on a project by project basis works well and should continue for OTC.

I have included a copy of CMUA's recent letter to the State Lands Commission outlining our concerns with a categorical limit on OTC in California.

Sincerely,

  
Jerry Jordan  
Executive Director

Enc.: 1

cc: Ocean Protection Council Members



# CALIFORNIA MUNICIPAL UTILITIES ASSOCIATION

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JERRY JORDAN, Executive Director

April 3, 2006

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Steve Westly  
California State Controller  
California State Controller's Office  
Main Office  
P.O. Box 942850  
Sacramento, CA 94250-5872

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Riverside

## Re: Once Through Cooling - State Lands Commission

Dear Controller Westly:

The California Municipal Utilities Association (CMUA) is concerned with the proposed resolution to categorically limit the use of once through cooling at power plants. Such an action would have broad water and energy supply implications to a state that is still struggling to recover from deficient energy supplies. We believe that sound licensing decisions should be made by applying existing regulations to assess environmental factors on a project by project basis.

CMUA members provide water, electric, and gas service throughout California. Categorical elimination of once-through-cooling could have huge impacts on both electric and water supplies. Moreover, the State Water Resources Control Board has indicated it is currently in the process of developing a statewide policy on once-through-cooling water incorporating both California Water Code Section 13142.5 and Section 316(b) of the Clean Water Act. More, single purpose regulation is not needed.

As many as 21 power plants supplying as much as 24,000 mw of electricity (or between 40% and 45% of California's electricity to California consumers) could be affected by an elimination of once-through-cooling. It is estimated that two thirds of the powerplants utilizing once-through-cooling could not switch to alternate cooling systems. Implementation of a categorical ban on once through cooling would result in greatly increased costs for the one third of the powerplants that could change cooling systems and forced shut down of the two thirds of the plants which can not convert.



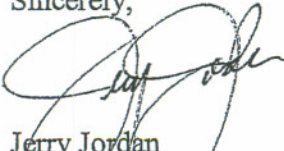
Steve Westly, California State Controller  
April 3, 2006  
Page 2

California has already lived through a disastrous experiment to restructure the electricity industry which resulted in rolling blackouts and electricity rates for the investor owned utilities which are approaching twice the national average. Regulations which limit the operation of 40+% of California electricity generation will at best result in more rate increases and at worst additional rolling blackouts.

Many of CMUA's water utility members are interested in developing additional water supplies through desalination of ocean waters. Desalination is a critical part of California's critical water supply. While not all desalination projects are tied to coastal power plants, it is nonetheless a viable option which we believe should not be delimited in a categorical manner. As the State Water Resources Control Board said in its letter to the Commission, the SWRCB is already charged with minimizing and mitigating the adverse environmental impacts of any coastal power plants.

Energy and water policy must be balanced taking all of the state's goals into consideration. The existing regulatory agencies, including the California Energy Commission must consider the need to limit the consumptive use of fresh water in power plant cooling, the impacts of once through cooling, discharge requirements of using reclaimed water for cooling, and the need for additional water and energy supplies. We do not believe it is appropriate for the State Lands Commission to attempt to limit the current options available to meet the needs of water and electric consumers. Those decisions must be made on a case by case basis by the regulatory agencies charged with that responsibility.

Sincerely,



Jerry Jordan  
Executive Director

cc: Senate Natural Resources & Water Committee Members  
Senate Energy, Utilities & Communications Committee Members  
Assembly Water Parks & Wildlife Committee Members  
Assembly Utilities & Commerce Committee Members  
Paul Thayer, Executive Director, State Lands Commission



**PAM SLATER-PRICE**  
SUPERVISOR, THIRD DISTRICT  
SAN DIEGO COUNTY BOARD OF SUPERVISORS

me 1BB

Brian -  
Please prepare  
response for my  
signature.  
me

April 17, 2006

*Serving the  
communities  
of ...*

*Cardiff*

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*Del Mar Heights*

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*Tierrasanta*

*Torrey Hills*

*Torrey Pines*

Mike Chrisman, Chair  
California Ocean Protection Council  
California Resources Agency  
1416 Ninth Street, Ste. 1311  
Sacramento, CA 95814

**RE: Phasing out of Once-Through Cooling Systems for Coastal Power Plants**

Dear Chairman Chrisman,

I am writing to urge you to pass a resolution phasing out "once-through cooling." These outdated cooling systems unnecessarily destroy marine life and dramatically impact coastal economies that rely on healthy oceans. There are viable and readily available alternatives to once-through cooling currently in use at inland power plants, and coastal generators must transition to these technologies as soon as possible.

California's economy greatly relies on healthy coasts and oceans that support tourism, fishing communities, and other ocean related recreation and industry. It is well documented that once-through cooling unnecessarily destroys the marine life that supports vibrant coastal communities and the natural heritage we will leave for future generations. We must end once-through cooling now in order to stop the daily assault on our marine and estuarine environments and do everything in our power to restore the natural abundance that Californians once enjoyed.

Californians have historically supported heightened protection of our coast and ocean. We recently supported California's "Ocean Action Plan" which called for an increase in the abundance and diversity of aquatic life in California's oceans, bays, estuaries and coastal wetlands. Now is the time to put those promises into practice.

Please do everything in your power to phase out the use of once-through cooling as soon as possible.

Sincerely,

*Pam Slater-Price*  
Supervisor Pam Slater-Price  
Third District

SP/sk

County Administration Center • 1600 Pacific Highway, Room 335 • San Diego, CA 92101-2470

(619) 531-5533 • Toll Free (800) 852-7334

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me/Baird

## Surfrider Foundation

April 24, 2006

The Honorable Mike Chrisman  
Secretary, California Resources Agency  
1416 9<sup>th</sup> Street, Suite 1311  
Sacramento, California 95814

### **RE: Once Through Cooling Resolution**

Dear Secretary Chrisman:

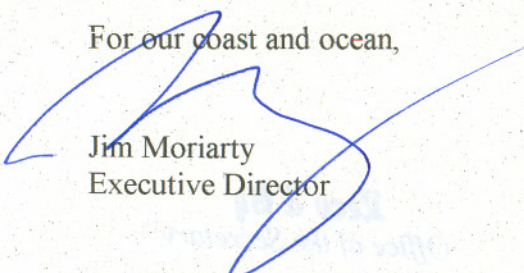
I am writing on behalf of the Surfrider Foundation and our more than 50,000 members to thank you for your strong leadership at the Ocean Protection Council promoting a long overdue phase out of destructive once-through cooling systems at coastal power plants.

Under your leadership, the Ocean Protection Council has taken an important step to restore and protect the beauty and abundance of California's coast and ocean for future generations. Alternative cooling technologies that do not destroy our precious marine life have been available and in use for years. The time for employing these same technologies at California's coastal power plants is long since overdue. The resolution you championed, on behalf of Governor Schwarzenegger's Administration, sends a clear message to the State Water Resources Control Board to enforce the mandates of the Clean Water Act Section 316(b) in the strictest terms.

Californians consistently support the strongest possible protections for their coast and ocean. The current use of alternative cooling technologies at inland power plants demonstrates that we can both maintain electrical service and avoid the unnecessary destruction of the marine environment.

Again, we thank you for your leadership on this important issue. We look forward to continuing to work with you, and the Ocean Protection Council, in the future.

For our coast and ocean,

  
Jim Moriarty  
Executive Director





*me | Baird*



April 28, 2006

The Honorable Mike Chrisman  
Secretary, California Resources Agency  
1416 9<sup>th</sup> Street, Suite 1311  
Sacramento, California 95814

Dear Secretary Chrisman:

San Diego Coastkeeper is a nonprofit environmental organization protecting the region's bays, beaches, watersheds and ocean for the people and wildlife that depend on them. On behalf of San Diego Coastkeeper, I wish to thank you for your leadership on the Ocean Protection Council in support of actions to address the destructive once-through cooling systems used in power plants along the coast and in the Bay-Delta Estuary. The resolution you supported sends a clear message that California's marine resources must be protected from the ongoing environmental destruction wreaked by these outdated and inefficient cooling systems. Coastal power plants can and must bring their operations in line with the many inland facilities that have been using alternative cooling technologies for years. Your resolution will provide key support to the State Water Resources Control Board as it drafts regulations to implement state and federal requirements and accomplish these goals.

As demonstrated time and again in numerous independent polls, Californians insist on the strongest possible protections for their coast and ocean. Phasing out environmentally devastating once-through cooling is a long overdue step in that direction. The Alliance and its members commend you for work to advance the sustainability of both California's power grid and its fragile and invaluable coastal environment. We look forward to continuing to work with you on this important issue.

Regards,

*Gabriel Solmer*

Gabriel Solmer  
Staff Attorney

*met Baird***CALIFORNIA STATE  
LANDS COMMISSION**

**CRUZ M. BUSTAMANTE**, *Lieutenant Governor*  
**STEVE WESTLY**, *Controller*  
**MICHAEL C. GENEST**, *Director of Finance*



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(916) 574-1800 Fax (916) 574-1810  
California Relay Service TDD Phone 1-800-735-2929  
Voice Phone 1-800-735-2922

April 28, 2006

*Rec'd By*  
*Office of the Secretary*

**MAY 03 2006**

Mr. Mike Chrisman, Chair  
California Ocean Protection Council  
1416 Ninth Street, Suite 1311  
Sacramento, CA 95814

*Resources Agency of California*

*Mike*  
Dear Chair Chrisman,

At its meeting of April 17, the California State Lands Commission voted to approve a resolution expressing concerns over the impact of once-through cooling at power plants on the lands under the Commissioner's jurisdiction. As directed by the resolution, I am forwarding a copy for the consideration of the State Water Resources Control Board, the California Ocean Protection Council and the California Energy Commission.

The resolution details the impacts of once-through cooling. It urges the relevant state agencies to take actions to eliminate those impacts. Finally, the resolution indicates the Commission's intent to consider these impacts when renewing leases for once-through cooling facilities.

Please let me know if you would like provided additional information about this resolution or any other matter regarding the Commission.

Sincerely,

PAUL D. THAYER  
Executive Officer

Enclosure



**CALIFORNIA STATE  
LANDS COMMISSION**

CRUZ M. BUSTAMANTE, *Lieutenant Governor*  
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**RESOLUTION BY THE CALIFORNIA STATE LANDS COMMISSION REGARDING  
ONCE-THROUGH COOLING IN CALIFORNIA POWER PLANTS**

**WHEREAS**, The California State Lands Commission (Commission) and legislative grantees of public trust lands are responsible for administering and protecting the public trust lands underlying the navigable waters of the state, which are held in trust for the people of California; and

**WHEREAS**, the public trust lands are vital to the recreational, economic and environmental values of California's coast and ocean; and

**WHEREAS**, the Commission has aggressively sought correction of adverse impacts on the biological productivity of its lands including, litigation over contamination off the Palos Verdes Peninsula and at Iron Mountain, the adoption of best management practices for marinas and litigation to restore flows to the Owens River; and

**WHEREAS**, California has twenty-one coastal power plants that use once-through cooling, the majority of which are located on bays and estuaries where sensitive fish nurseries and populations exist for many important species, including species important to the commercial and recreational fishing industries; and

**WHEREAS**, these power plants are authorized to withdraw and discharge approximately 16.7 billion gallons of ocean, bay and Delta water daily; and

**WHEREAS**, once-through cooling significantly harms the environment by killing large numbers of fish and other wildlife, larvae and eggs as they are drawn through the screens and other parts of the power plant cooling system; and

**WHEREAS**, once-through cooling also significantly adversely affects marine, bay and estuarine environments by raising the temperature of the receiving waters, and by killing and displacing wildlife and plant life; and

**WHEREAS**, various studies have documented the harm caused by once-through cooling including one study that estimated that 2.2 million fish were annually ingested into eight southern California power plants during the late 1970s and another that estimated that 57 tons of fish were killed annually when all of the units of the San Onofre Nuclear Generating Station were operating; and



**WHEREAS**, the public trust doctrine must be acknowledged and respected by the Commission in all of the Commission's work, thus, the least environmentally harmful technologies must be encouraged and supported by the Commission; and,

**WHEREAS**, once-through cooling systems adversely affect fish populations used for subsistence by low-income communities and communities of color thereby imposing an undue burden on these communities and

**WHEREAS**, regulations adopted under Section 316(b) of the federal Clean Water Act recognize the adverse impacts of once-through cooling by effectively prohibiting new power plants from using such systems, and by requiring existing facilities to reduce impacts by up to 90-95%; and

**WHEREAS**, state law under the Porter-Cologne Water Quality Control Act requires the state to implement discharge controls that protect the beneficial uses of the waters and habitats affected by once-through cooling; and

**WHEREAS**, alternative cooling technologies and sources of cooling water, such as the use of recycled water, are readily available, as witnessed by their widespread use at inland power plants and many coastal plants nationwide; and

**WHEREAS**, the Governor's Ocean Action Plan calls for an increase in the abundance and diversity of aquatic life in California's oceans, bays, estuaries and coastal wetlands, a goal which can best be met by prohibiting, phasing out, or reducing to insignificance the impacts of once-through cooling; and

**WHEREAS**, members of the California Ocean Protection Council have called for consideration of a policy at its next meeting to discourage once-through cooling; and

**WHEREAS**, the California Energy Commission and the State Water Resources Control Board have authority and jurisdiction over the design and operation of power plants and are conducting studies into alternatives to once-through cooling, such as air cooling, cooling with treated wastewater or recycled water and cooling towers; and

**WHEREAS**, in its 2005 Integrated Energy and Policy Report, the California Energy Commission adopted a recommendation to work with other agencies to improve assessment of the ecological impacts of once-through cooling and to develop a better approach to the use of best-available retrofit technologies; and

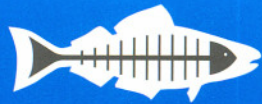
**WHEREAS**, it is premature to approve new leases or extensions, amendments or modifications of existing leases to include co-located desalination facilities or other uses of once-through cooling water systems until first considering whether the desalination facility would adversely affect compliance by the power plant with requirements imposed to implement both the federal Clean Water Act Section 316(b) requirements and any additional requirements imposed by the State Water Resources Control Board and appropriate Regional Water Quality Control Board under state law and their delegated Clean Water Act authority; and

consider re-opening the lease, if the appropriate agency has decided, in a permitting proceeding for the leased facility, that an alternative, environmentally superior technology exists that can be feasibly installed, and that allows for continued stability of the electricity grid system, or if state or federal law or regulations otherwise require modification of the existing once-through cooling system; and, be it further

**RESOLVED**, that the Commission calls on public grantees of public trust lands to implement the same policy for facilities within their jurisdiction; and be it further

**RESOLVED**, that the Commission's Executive Officer transmit copies of this resolution to the Chairs of the State Water Resources Control Board, the California Energy Commission, and the California Ocean Protection Council, all grantees, and all current lessees of public trust lands that utilize once-through cooling.





me Baird

1444 9th Street  
Santa Monica CA 90401

tel 310-451-1500  
fax 310-496-1902

info@healthebay.org  
www.healthebay.org

## Heal the Bay®

April 28, 2006

The Honorable Mike Chrisman  
Secretary, California Resources Agency  
1416 9<sup>th</sup> Street, Suite 1311  
Sacramento, California 95814

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Trip Reeb  
Michael Segal  
Amy Smart  
Shane Smith  
John Strauss  
Luann Laval Williams  
Lavetta Willis  
Richard Yelland  
Scott Zolke

Dear Secretary Chrisman:

Heal the Bay is a non-profit environmental organization with over 10,000 members dedicated to making southern California coastal waters and watersheds safe, healthy, and clean. On behalf of the Heal the Bay and its members, we thank you for your dedicated leadership at the Ocean Protection Council on the recent once-through cooling resolutions. These resolutions send a clear message to the State of California that our marine and coastal resources must be protected from the use of this antiquated and destructive technology. Additionally, your resolutions provide important guidance and support to the State Water Resources Control Board as it implements state and federal requirements through a statewide policy on once-through cooling.

As demonstrated by numerous independent polls, Californians insist on the strongest possible protections for our coastal and marine resources. Phasing out environmentally destructive once-through cooling is a long overdue step in that direction. We commend you for your work to advance both the sustainability of California's power grid and its fragile and invaluable coastal environment. We look forward to continuing to work with you on this important issue.

Sincerely,

Heather Hoecherl, Esq.  
Science and Policy Director

Sarah Abramson  
Staff Scientist



*we Baird***CALIFORNIA STATE  
LANDS COMMISSION**

**CRUZ M. BUSTAMANTE**, *Lieutenant Governor*  
**STEVE WESTLY**, *Controller*  
**MICHAEL C. GENEST**, *Director of Finance*

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Voice Phone 1-800-735-2922

April 28, 2006

Mr. Mike Chrisman, Chair  
California Ocean Protection Council  
1416 Ninth Street, Suite 1311  
Sacramento, CA 95814

Dear Chair Chrisman, *Mike*

*Rec'd By*  
*Office of the Secretary*

**MAY 03 2006**

*Resources Agency of California*

At its meeting of April 17, 2006, the California State Lands Commission adopted a resolution regarding the adverse environmental impacts of copper-based hull paints. Pursuant to its terms, I am forwarding to you a copy of the resolution for your consideration.

The resolution recognizes the presence of copper in some coastal California locations at concentrations exceeding the safe limits established by the U.S. EPA. The resolution also notes that the San Diego Regional Water Quality Control Board has declared portions of San Diego Bay as impaired because of high levels of copper and has found that copper-base paint is an important contributing factor. Because copper-based paints are therefore adversely affecting lands under its jurisdiction, in this resolution, the Commission calls on relevant public agencies to undertake research, provide public education, and to take other appropriate actions to address those impacts.

Please let me know if I can provide additional information concerning this resolution or any matter regarding the State Lands Commission.

Sincerely,

**PAUL D. THAYER**  
Executive Officer

Enclosure

**CALIFORNIA STATE  
LANDS COMMISSION**

CRUZ M. BUSTAMANTE, *Lieutenant Governor*  
STEVE WESTLY, *Controller*  
MICHAEL C. GENEST, *Director of Finance*



**EXECUTIVE OFFICE**  
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Sacramento, CA 95825-8202

**PAUL D. THAYER, Executive Officer**  
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**RESOLUTION BY THE CALIFORNIA STATE LANDS COMMISSION REGARDING  
ALTERNATIVES TO COPPER-BASED ANTI-FOULING PAINTS**

**WHEREAS**, to prevent reduced maneuverability, increased drag and corrosion, the transport of invasive species by vessels, and decreased fuel efficiency, copper-based paints are commonly used to prevent marine organisms from becoming attached to the hulls of commercial and recreational vessels; and

**WHEREAS**, as of December 2005, there were 965,892 registered recreational vessels in California, of which 12-15 percent are berthed and of which 8,000 are moored in San Diego Bay; and

**WHEREAS**, San Diego Bay has been declared an "impaired water body" by the San Diego Regional Water Quality Control Board (Board) because of the concentration of copper in the water column that the Board found results from the passive leaching of copper from biocide/anti-fouling paints coating vessel hulls, estimated at 2½ tons annually in the Shelter Island Yacht Basin alone; and

**WHEREAS**, the concentration of copper in the waters of San Diego Bay is, according to the U.S. Environmental Protection Agency (U.S. EPA), four times greater than the concentration at which other marine organisms – mussels, oysters, sea urchins and scallops – suffer mortality and such concentration is nearly ten times greater than such level in Newport Bay; and

**WHEREAS**, similar high concentrations of copper in the water column have been found in other coastal recreational boat harbors – Marina del Ray, Newport Bay, Oceanside, Dana Point, Santa Barbara, and Morro Bay; and

**WHEREAS**, concern exists that the suspended copper will ultimately be incorporated into the sediments, which could necessitate a toxic cleanup of monumental proportions and cost; and

**WHEREAS**, the U.S. EPA and the State Water Resources Control Board funded the UC Sea Grant Extension Program during 2002-03 to study non-toxic hull paints; and

**WHEREAS**, studies funded by the Sea Grant program suggest that non-toxic paints reduce some costs because they did not require reapplication as frequently as copper-based paints; but that maintenance costs were increased because the non-toxic paints did not repel hull-fouling organisms and more frequent hull scraping was required, but further study has been limited by expiration of funding; and



**WHEREAS**, the State Water Resources Control Board, on September 22, 2005, adopted the San Diego Water Board's proposed Total Maximum Daily Load (TMDL) of copper that would be allowed to enter the waters of the Shelter Island Yacht Basin in San Diego Bay and further resolved to work with the San Diego Water Board and all other coastal Regional Water Boards to "develop a state policy for water quality control to address water quality impairments in coastal marinas from copper-based anti-fouling paints" if the U.S. EPA and the State Department of Pesticide Regulation, in conjunction, do not address this issue within two years of the above described action; and

**WHEREAS**, the development of effective, cost-efficient alternative hull coatings would be enhanced through, among other things, additional research and the adoption of a statewide TMDL for copper; and

**WHEREAS**, the environmental and boating communities of San Diego Bay are working cooperatively to address the influx of copper from passive leaching from biocide/anti-fouling hull paints into the waters of San Diego Bay, and

**WHEREAS**, hull-fouling organisms may be an important source of the transmission of non-indigenous invasive species into and within California waters and alternative coatings could have adverse impacts on water quality, therefore, be it

**RESOLVED**, by the California State Lands Commission that it recognizes and commends the ongoing efforts of the environmental, boating, regulatory and academic communities to evaluate and transition from copper-based paints to paints that are not toxic to the environment for coating vessel hulls; and be it further

**RESOLVED**, that the Commission urges the U.S. EPA, the State Water Resources Control Board, and the California Department of Pesticide Regulation to assign the highest priority to their efforts to determine the scope of the potential environmental impacts of copper-based paints, and to take appropriate actions, which could include, but not be limited to, a phased elimination of the use of such paints in California; and be it further

**RESOLVED**, that the Commission urges the California Department of Boating and Waterways (Department) to develop an outreach program to yacht brokers, other retail recreational vessel retailers, and marine supply outlets to educate them about the impacts of copper-based paints and the availability of nontoxic alternatives and encourage them to make such nontoxic paints readily available to the boating public; and be it further

**RESOLVED**, that the Commission further urges the Department, in conjunction with the UC Sea Grant Extension Program, to develop a brochure that would educate the boating public about the impacts of copper-based paints and the availability of non-toxic alternatives and urges the Department of Motor Vehicles to include the brochure in its mailings of recreational vessel registration materials; and be it further

**RESOLVED**, that the Commission urges that additional funding be provided to continue research into alternative methods to copper-based paints for the prevention of hull-fouling while considering associated impacts from invasive species introductions and to water quality; and be it further

**RESOLVED**, that the Commission's Executive Officer, transmit copies of this resolution to the U.S. EPA, the California Ocean Protection Council, the State Water Resources Control Board, the Department of Pesticide Regulation, the Department of Boating and Waterways, the State Department of Motor Vehicles, and the UC Sea Grant Extension Program.

Adopted by the California State Lands Commission on April 17, 2006



mc | Baird | Bohan

May 3, 2006

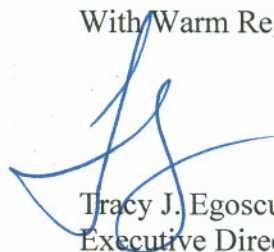
The Honorable Mike Chrisman  
Secretary, California Resources Agency  
1416 9<sup>th</sup> Street, Suite 1311  
Sacramento, California 95814

Dear Secretary Chrisman:

On behalf of our entire staff, we wish to thank you for your visionary efforts at the State Lands Commission to set the State on a path toward phasing out the destructive once-through cooling systems used in power plants along the coast and in the Delta. The waters that Santa Monica Baykeeper was founded to protect are home to no less than *seven* power plants using once-through cooling. The resolution you supported sends a clear message that California's marine resources must be protected from the ongoing environmental destruction wreaked by these outdated and inefficient cooling systems. Coastal power plants can and must bring their operations in line with the many inland facilities that have been using alternative cooling technologies for years. As you know, this resolution will provide key support to the State Water Resources Control Board as it drafts regulations to implement state and federal requirements and accomplish these goals.

As demonstrated time and again in numerous independent polls, Californians insist on the strongest possible protections for their coast and ocean. Phasing out environmentally devastating once-through cooling is a long overdue step in that direction. Santa Monica Baykeeper commends you for work to advance the sustainability of both California's power grid and its fragile and invaluable coastal environment. We look forward to continuing to work with you on this important issue.


With Warm Regards,



Tracy J. Egoscue  
Executive Director



Tom K. Ford  
Kelp Project Director



Dana P. Palmer  
Staff Attorney



-----Original Message-----

From: Pal33217@aol.com [<mailto:Pal33217@aol.com>]

Sent: Thursday, May 04, 2006 2:13 PM

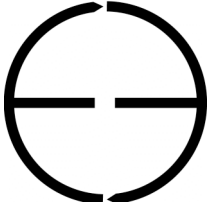
To: Brian Baird; Leah Akins; Penny Harding; rpollock@scc.ca.gov; Alice Chiu; sschuchat@scc.ca.gov; nfishman@scc.ca.gov; mselkirk@earthlink.net; cblackburn@scc.ca.gov; mcazorla@scc.ca.gov

Subject: BHP Billiton Cabillo Port Project

I am writing to ask your help in rejecting the plan to build a 14 story, floating liquified natural gas terminal off the coast of Ventura; the BHP

Billiton Cabrillo Port terminal. We live in view of the Channel Islands

where it is proposed that this factory be built. I fear that this type of plant will have an imitable effect on the marine life that abound in these waters. In the two years that we have lived here, everyday I see dolphins, sea lions, white egrets, brown pelicans. We have been watching the gray whales swim very close to the coastline on their migratory journey. The night lighting as well as the super heated water used by this plant will be harmful to marine life. Three weeks ago we had an algae bloom that caused demoic acid poisoning in many of the dolphins, sea lions and brown pelicans in the area. (We buried seven pelicans just on our stretch of beach). We also had a juvenile whale wash up on a nearby beach, the second such whale to wash up in Malibu in a month. For the past three days we have had another bout of algae bloom. I can't help but think that building a plant like this will also contribute to the pollution in the water and will kill off many more marine animals and birds. Please help to conserve our oceans and the marine life that inhabit them. Thank you, Carol Gable



# California Council for Environmental and Economic Balance

100 Spear Street, Suite 805 San Francisco, CA 94105

June 2, 2006

Mike Chrisman, Chair, and Members  
California Ocean Protection Council  
1416 9<sup>th</sup> Street, Suite 1311  
Sacramento, CA 95814

**Re: June 8, 2006 Agenda Item 11.c: Proposed engineering study of coastal power plants using once-through cooling technology**

Dear Secretary Chrisman and Council Members:

The California Council for Environmental and Economic Balance (CCEEB) is a non-partisan, non-profit organization of business, labor and community leaders that seeks to achieve the State's environmental goals in a manner consistent with a sound economy.

CCEEB's membership includes companies that represent the owners of the power generating facilities that utilize once through cooling ("OTC") systems. CCEEB is submitting the following comments on the Ocean Protection Council's proposed engineering study of coastal power plants using once-through cooling (OTC) technology. This study is being proposed in response to the Resolution approved by the OPC at its April 20, 2006 meeting. As of the date of this letter, there is no detailed information available on this item; however, on May 10, members of CCEEB met with State Coastal Conservancy staff to discuss the approved resolution and, specifically, the engineering study. In the absence of more recent, detailed information, this comment letter is submitted based on the information that was exchanged during that May 10<sup>th</sup> meeting.

In its April 20<sup>th</sup> Resolution, the OPC resolved to "fund a 6-month study that will analyze each of the existing coastal plant's conversion to alternative cooling technologies or installation of best technology available." As of the May 10<sup>th</sup> meeting, State Coastal Conservancy staff had not developed a scope for the engineering study. Staff said that they were working with other state agencies, specifically the State Water Resources Control Board, with the goal that this study would be designed to complement and support regulatory efforts at those agencies. The staff also said that the study would

likely be limited in scope to just engineering issues related to converting the power plants to alternative cooling technologies. [As originally proposed by staff, the Resolution included language directing that the study consider the environmental and economic costs of converting to alternative technologies but that language was removed by the OPC.]

The CCEEB members expressed concern that any such study must evaluate all feasibility issues (e.g., regulatory and economic), not just engineering considerations. Furthermore, the expected environmental benefits resulting from such conversions must be quantified with similar precision. In response, staff made clear that this study is not intended to be a stand-alone document; the study will only look at how alternative cooling technologies could be installed at the plants, not whether such technologies are cost-effective and environmentally beneficial. The intent appears to be that, for example, the SWRCB could use this study to support development of a statewide policy for implementation of the federal regulations governing intake structures and cooling water use by power plants.

Although the concept of feasibility was struck from the originally proposed Resolution, any regulatory related action that relies on this engineering study—such as the anticipated SWRCB policy— must nevertheless consider feasibility as it is defined by CEQA: “...capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.” We are concerned that the study is being loosely designed to fill a gap in the CEQA process that hasn’t yet been defined. The potential consequences to the state are too great to rely on a feasibility determination cobbled together from disjointed pieces. Our preference is for a single, comprehensive study that fully evaluates the economic and environmental costs and benefits of installing alternative cooling technologies at coastal power plants.

To that end, during the May 10 meeting, the CCEEB members shared with Conservancy staff an outline of site-specific considerations that must be evaluated in order to determine if eliminating the use of OTC is feasible and environmentally beneficial. Since it may be that the smallest detail—such as the lack of sufficient emissions reduction credits—could render an alternative technology infeasible, any alternative cooling technology evaluation must consider all potential constraints if it is to be useful in making site-specific feasibility determinations. In other words, let’s do it right or not do it at all.

Here is the outline, provided to staff, of the minimum considerations necessary in making site-specific feasibility determinations:

1. Evaluate the space constraints of a properly sized alternative cooling structure, including piping and other necessary components;
2. Identify and analyze the environmental consequences and impacts associated with conversion to alternative cooling, including:

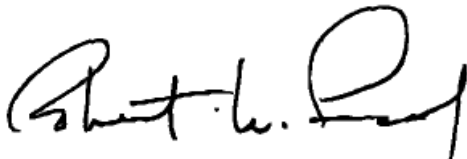
- a. Losses in generation efficiencies caused by the conversion and resultant environmental impacts caused by the need for replacement power generation, including new emissions of criteria air pollutants (NO<sub>x</sub>, CO, PM<sub>10</sub>, SO<sub>x</sub>, and VOC), air toxic emissions, and greenhouse gas emissions;
  - b. Increased use of potable and reclaimed water supplies for power plants converting to closed cycle wet cooling towers and the impacts to local, regional, and statewide water supplies; as well as direct emissions of PM<sub>10</sub> from those wet cooling towers;
- 3. Technical feasibility and engineering considerations of the physical ability to convert to alternative cooling, including, but not limited to, the following:
  - a. Evaluation of the unique conditions and design of existing power plant condensers to accept alternative cooling methodologies:
    - i. Will condenser design accept high temperature cooling media from wet or dry cooling towers?
    - ii. What peak generation capacity losses will occur with alternative cooling with the existing condenser?
  - b. Evaluation of how cooling water will be pumped, where pipes would be located, and the new auxiliary power loads created by these conveyance systems.
  - c. Conceptual engineering design and layout of a properly sized alternative cooling system to properly understand extent of technical and environmental considerations expressed in this outline.
- 4. Calculate total conversion costs, both direct and indirect costs, including:
  - a. land acquisition (if needed);
  - b. equipment procurement and construction costs;
  - c. permitting and mitigation costs;
  - d. increased operations and maintenance costs associated with cooling system conversion;
  - e. lost revenue due to the lost generation potential caused by the efficiency penalties of the cooling system conversion;

- f. lost revenue from lost generation during the unit outages for cooling system conversion;
  - g. the ability for cost recovery via power contracts and/or markets;
  - h. costs of replacing lost generating capacity via construction of replacement generating units;
  - i. increased costs to produce electricity caused by efficiency losses;
  - j. comparison of costs versus benefits of the conversion.
- 5. Evaluate the feasibility of obtaining permits for the alternative cooling conversion, including:
  - a. The feasibility of obtaining permits from local jurisdictions regarding land use compatibility with local and regional land use ordinances and requirements, including visual resources and aesthetics, noise requirements, redevelopment planning, other projects, etc.
  - b. Compliance with key regulations and statutes, including CA Coastal Act, Warren Alquist Act, CEQA, city ordinances, etc.
- 6. Impacts to electricity reliability, cost, and supply caused by generation efficiency losses and/or possible facility shutdown caused by substantial conversion costs.

While our preference is for a more comprehensive study, we recognize that the OPC may choose to proceed with a study more limited in scope with significantly limited application and reliability. If that occurs, we suggest that the resulting limitations be made clearly evident to the study audience.

The Council thanks the Ocean Protection Council for its thoughtful consideration of CCEEB's viewpoints and recommendations. If you have any questions do not hesitate to call me at (916) 444-7337 for further discussion.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert W. Lucas". The signature is fluid and cursive, with the first name "Robert" and last name "Lucas" being clearly distinguishable.

Robert W. Lucas

cc: Members and staff of the State Water Resources Control Board



## Ad Hoc Committee

P.O. Box 484  
Occidental, CA 95465  
707 874-3855

re: Fish farming subsidy

Dear Members of the Council:

You have already received my testimony on the subject of subsidy. We are opposed to subsidy. This letter is on your process!

It took *investigation* to find you. I was told there was *no meeting* of the Ocean Protection at the Hyatt that there was a meeting of the Coastal Conservancy, another agency.

There is no listing for Ocean Protection Council in the telephone information service. I had to discover that you were part of the Resources Agency.

I called the Resources Agency and was told there was *no Ocean Protection Council* as part of their Agency, your agent said he was searching on the computer and there were no Councils only Commissions and no Ocean Protection Council.

I was transferred to someone else who told me the meeting this morning was in the Coastal Hearing Room which was wrong.

Still determined to FAX you testimony in opposition to your subsidizing Fish Farming I persisted and finally found you. I hope that all the trouble and misinformation I was handed was not an attempt to render public testimony on your agenda nearly impossible.

Do you believe all the effort I had to spend to find you is how your Agency should operate? I am fighting for an open democracy of the people and in the interest of the people. I hope that you re-agendize the Fish Farming Subsidy proposal, make the industry pay and make a public announcement of your interest in subsidy and get it adequately before the public so that we are well-informed and able to consider the pros and cons and offer you testimony so you can consider all points of view in an open, transparent and reasonable manner respectful of the citizens of the state.

  
Ann Maurice

## Ad Hoc Committee

P.O. Box 484  
Occidental, CA 95465  
707 874-3855

Drew Bohan  
Executive Policy Director  
Ocean Protection Council  
c/o Hyatt Regency

deliver to: Regency 1-3 Regency Grand Conference Center

opposition to subsidizing a "PEIR" on aquaculture (fish-farming)

Dear Mr Bohan and members of the Council:

I dismay that the highly controversial "aquaculture" industry or fish farming would even be considered for our state's ocean waters, let alone that the Ocean Protection Council would consider subsidizing the industry by allocating \$300,000 for a programmatic environmental impact report. Let the industry pay!

Make no mistake, we believe an EIR is absolutely necessary if a fish farming permit or lease is applied for. However, we oppose allocation of scarce government funds to pay for it.

EIR monies should be part of the industry's research and development funds! Who are these companies that want to raise penned fish in our state's waters? Multinationals? Corporations? Foreign government-owned? Norwegian? Dutch? Japanese? Standard Oil? \$300,000 is a pittance to them. Let *them* pay!

To consider such a subsidy at this time is an especial insult to all Californians. NOAA and NMFS tried to shut down *all commercial and recreational fishing in all waters off the coast, and ended up drastically curtailing our domestic fishermen. At the same time that our mom and pop small commercial fishermen are being denied fishing access to our coastal waters, you propose to allocate ocean "protection" monies to subsidize studies on putting fish pens where our fishermen are not allowed to go.*

There is something rotten in this scenario.

*We object to this item being on the agenda now since fishermen and the public have not had a fair chance to review what you are proposing to do and the implications and potential consequences. We request that you delay your decision to allow time for input from taxpayers and citizens impacted by it — fishermen and consumers and people interested in the fair and appropriate allocation of funds that should be destined for ocean protection not subsidy of research and development of fish farms.*

*There are so many ways this money could be well spent. At a time when our commercial fleets have been decimated and the remaining fishermen struggling to survive, to consider subsidizing the corporate fish-farming industry at this time is unconscionable.*

Ann Maurice



URGENT:

Hyatt Regency  
1-3  
Regency 1,2,3  
Grand Conference Center

ATTENTION: Drew Bohan  
Executive Policy Adviser of Ocean Protection Counsel of California:

I, would like to oppose any government funding for EIR reports for fish farms off the California coast.  
Our communities and our fishing industry have been devastated enough already by people in government positions that don't know what they are doing.

Now to ask us to pay with our tax dollars for multimillion dollar corporation or maybe globe corporations, is like kicking a person when they are down.

Dean Estep  
P.O. Box 2179  
Ft. Bragg, CA.  
95437  
(707) 964-3700